

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Carl A. Waldspurger, et al.

GROUP ART UNIT: 2127

U.S.S.N.:

10/750,919

EXAMINER:

Not Yet Assigned

FILING DATE:

31 December 2003

TITLE:

Generating and Using Checkpoints in a Virtual Computer System

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5 August 2004.

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF A NONPROVISIONAL APPLICATION

Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed 5 May 2004. A Declaration and Power of Attorney executed by inventors Carl A. Waldspurger, Michael Nelson, Daniel J. Scales and Pratap Subrahmanyam accompanies this Response, along with a Petition for Extension of Time Under 37 CFR 1.136(a) (1 month).

Applicant: Carl A. Waldspurger et al.

U.S.S.N. 10/750,919

Filing Date: 31 December 2003

Atty. Docket No.: A38

It is requested that all fees occasioned by this submission be charged to Deposit Account No. 50-2652.

In the event the Examiner deems personal contact desirable in disposition of this case, the Examiner is invited to call the undersigned attorney at (650) 384-4810.

Respectfully submitted,

Dated: 5 August 2004

Darryl A. Smith, Esq. (Reg. No. 37,723)

Attorney for Applicant

VMware, Inc. 3145 Porter Drive

Palo Alto, CA 94304

Telephone: 650-384-4810 Facsimile: 650-475-5005

	OIF	E	•	•	Application No.:		10/750,919			
Λ	U.	TRANSMITTA	L		Filing Date:		31 December 2003			
	AUB 0	ં ગ			First Named Inver	itor:	Carl A. Waldspurger			
PATE		. 💆		Group Art Unit		2127				
Ų	RE TO A DEMANDED TO				Examiner:		Not Yet Assigned			
	Total	Number of Pages in this Submissi	16	Docket No.		A38				
	ENCLOSURES (check all that apply)									
		Fee Transmittal Authorizing the Commissioner to charge Deposit Account No. 50-2652 (in duplicate)		Missing Nonprov Applicat Declarat Attorney	visional tion tion/Power of		Petition for Revival of an Unintentionally Abandoned Application [37 CRF 1.137(b)]			
		Amendment/Response After Final Affidavits/Decl.		Copy of Missing Nonprov	visional		Express Abandonment Request			
	\boxtimes	Extension of Time Request for 1 Months			on of Power of		Terminal Disclaimer			
		Information Disclosure Statement		USPTO !	Payment on Form PTOL-85B, Issue Fee Ital"	\boxtimes	Certificate of First Class Mailing			
	\boxtimes	Copy of Assignment Recordation Cover Sheet		Letter/Tr Official I Copy of	Orawings, labeled ransmittal to Oraftsperson PTO 948, "Notice person's Patent		Certificate of Express Mail Mailing			
		Certified Copy of Priority Document(s)		Status In	quiry		Postcard Additional Englosures:			
	SIGNATURE			OF APPLICANT, ATTORNEY O			Additional Enclosures: OR AGENT			
	5,	August 2004	*****	2	ang/ A. S	m				
	Date			_	l A. Smith, Esq. (Re	g. No	. 37,723)			
					vare, Inc.					
	3145 Porter Drive Tel: (650) 384-4810 Palo Alto, CA 94304 Fax: (650) 475-5005 CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]									
	I here	by certify that this correspondence	and ab	ove-refer	enced enclosures are b	eing:				
	Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703)									
	5 August 2004 Dans 1875m									
	Date Signature —									
	Darryl A. Smith Typed or printed name of person signing certificate									
		1,700	P.		F		-			



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS PO. Box 1450 Alexandria, Viginia 22313-1450 www.uspto.gov

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/750,919

12/31/2003

Carl A. Waldspurger

A38

Darryl A. Smith VMware, Inc. 3145 Porter Drive Palo Alto, CA 94304



CONFIRMATION NO. 1896 FORMALITIES LETTER

OC000000012529165

Date Mailed: 05/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

\$130 Late oath or declaration Surcharge.

10750919

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

08/10/2004 MAHMED1 00000003 502652

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130.00 DA

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center Initial Patent Examination Division (703) 308-1202 PART 2 - COPY TO BE RETURNED WITH RESPONSE

FEE TRANSMITTAL				Complete if Known						
		ANSIVIIIIAL	1	Applica	tion Nu	mber		10/750,919		
/		EV 2004		Filing [ate	·		31 December 2003		
AUS 0 9 2004 For FY 2004					First Named Inventor			Carl A. Waldspurger		
Effective 10/01/2003. Patent fees are subject to annual revision.				Examiner Name				Not yet assigned		
Applicant claims small entity status. See 37 CFR 1.27				Art Unit 2127						
TOTALARM	OUNT OF PAY	MENT (\$)280		Attorney Docket No. A38						
METHOD O	F PAYMENT	(check all that apply)				FEE (ALC	ULATION (continued)		
	Credit Card	Money Other None		3. ADI	NOITION	AL FEE	S			
Deposit Account			Large Entity Small Entity							
Deposit Account	50-2652			Fee	Fee	Fee	Fee			
Number Deposit Account		Y		Code	(\$)	Code	(\$)	Fee Description	Fee Paid	
Name	VMware,	, Inc.		1051	130	2051	65	Surcharge - late filing fee or oath	100	
The Director is a	uthorized to: (chec	ck all that apply)		1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet		
	s) indicated below	☑ Credit any overpayments		1053	130	1053	130	Non-English specification		
	•	any underpayment of fee(s)		1812	2520	1812	2520	For filing a request for ex parte reexamination		
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account			1804	920*	1804	920*				
FEE CALCULATION			1805	1840°	1805	1840*	Requesting publication of SIR after Examiner action			
1. BASIC FILING FEE				1251	110	2251	55	Extension for reply within first month	110	
Large Entity	Small Entity			1252	420	2252	210	Extension for reply within second month		
Fee Fee	Fee Fee	Fee Description Fee Pai	d	1253	950	2253	475	Extension for reply within third month		
Code (\$)	Code (\$)			1254	1480	2254	740	Extension for reply within fourth month		
1001 770	2001 385	Utility filing fee		1255	2010	2255	1005	Extension for reply within fifth month		
1002 340	2002 170	Design filing fee		1401	330	2401	165	Notice of Appeal		
1003 530	2003 265	Plant filing fee	ł	1402	330	2402	165	Filing a brief in support of an appeal		
1004 770	2004 385	Reissue filing fee		1403	290	2403	145	Request for oral hearing		
1005 160	2004 80	Provisional filing fee		1451	1510	1451	1510	Petition to institute a public use proceeding		
1	10	SUBTOTAL (1) (\$)		1452	110	2452	55	Petition to revive unavoidable		
2. EXTRA CL		R UTILITY AND REISSUE		1453	1330	2453	665	Petition to revive - unintentional		
		Fee from		1501	1330	2501	665	Utility issue fee (or reissue)		
	Ε	Extra Claims below Fee Pai	d	1502	480	2502	240	Design issue fee		
Total Claims	-20** =	X 18.00 =		1503	640	2503	320	Plant issue fee		
Independent Claims	-3** =	x 86.00 =		1460	130	1460	130	Petitions to the Commissioner		
Multiple Dependent	<u> </u>	=	7	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		
Large Entity	Small Entiry	L		1806	180	1806	180	Submission of Information Disclosure Stmt		
Fee Fee Code (\$)	Fee Fee Code (\$)	Fee Description		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40	
1202 18	2202 9	Claims in excess of 20		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		
1201 86	2201 43	Independent claims in excess of 3		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		
1203 290	2203 145	Multiple dependent claim if not paid		1801	770	2801	385	Request for Continued Examination (RCE)		
1204 86	2204 43	**Reissue independent claims over original pate	nt	1802	900	1802	900	Request for expedited examination of a design application		

SUBMITTED BY					Complete (if applicable))
Name (print/Type)	Darryl A. Smith	Registration No. (Attomey/Agent) 37	,723	Telephone	650-384-4810
Signature	Danson	Sont		Date	5 August 2004

Other fee (specify)

*Reduced by Basid Filing Fee Paid

SUBTOTAL (3) (\$) 280

**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

** or number previously paid, if greater; For Reissues, see above

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